

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X  
UNITED STATES OF AMERICA :

- v. - :

SAMUEL BAUTISTA,  
ANGEL BAUTISTA,  
FRANCISCO RUBIO,  
YVETTE RUBIO,

Defendants. :

SEALED  
INDICTMENT

12 Cr.

12 CRIM 849

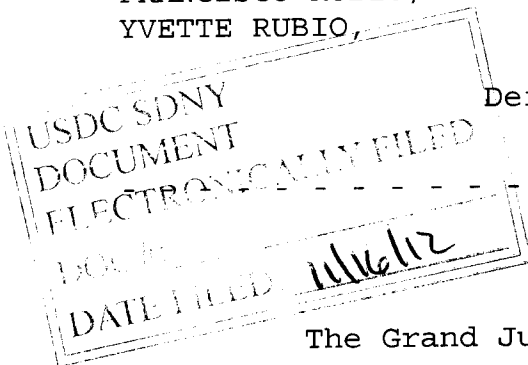
COUNT ONE

The Grand Jury charges:

1. From at least in or about November 2010 up to and including in or about April 2012, in the Southern District of New York and elsewhere, SAMUEL BAUTISTA, ANGEL BAUTISTA, FRANCISCO RUBIO, and YVETTE RUBIO, the defendants, and others known and unknown, knowingly and intentionally did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that SAMUEL BAUTISTA, ANGEL BAUTISTA, FRANCISCO RUBIO, and YVETTE RUBIO, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense were mixtures and substances containing a detectable amount of



oxycodone, a Schedule II controlled substance, sold in a form commonly known as "Percocet," in violation of Title 21, United States Code, Section 841(b)(1)(C).

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 29, 2012, an undercover law enforcement officer ("UC-1") received approximately 40 pills of Percocet from SAMUEL BAUTISTA, the defendant, via Fedex, which were sent from the Bronx, New York.

b. On or about October 28, 2011, a confidential source ("CS-1") received approximately 60 pills of Percocet from ANGEL BAUTISTIA, the defendant, via Fedex, which were sent from the Bronx, New York.

c. On or about November 10, 2011, CS-1 received approximately 90 pills of Percocet from FRANCISCO RUBIO, the defendant, via Fedex, which were sent from the Bronx, New York.

d. On or about January 18, 2012, UC-1 received approximately 146 pills of Percocet from YVETTE RUBIO, the defendant, via Fedex, which were sent from the Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense charged in Count One of this Indictment, SAMUEL BAUTISTA, ANGEL BAUTISTA, FRANCISCO RUBIO, and YVETTE RUBIO, the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offenses and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of this Indictment.


Substitute Assets Provision

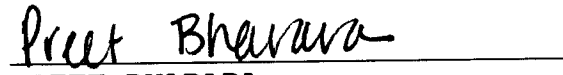
6. If any of the above-described forfeitable property, as a result of any act or omission of SAMUEL BAUTISTA, ANGEL BAUTISTA, FRANCISCO RUBIO, and YVETTE RUBIO, the defendants:

- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value;
- or

e. has been commingled with other property which cannot be subdivided without difficulty, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

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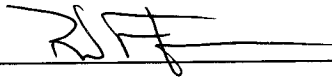
12 Cr.

(21 U.S.C. §§ 841, 846)

PREET BHARARA

United States Attorney.

A TRUE BILL



Foreperson.

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11/16/12 - Filed Sealed Indictment  
cc. Arrest Warrant issued.  
Judge Franco  
USMJ